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EXAMINER
VIEAUX, GARY

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/781,917	FISHER ET AL.
	Examiner	Art Unit	
	Gary C. Vieaux	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 August 2006*.

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-46* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Amendment

The Amendment, filed August 18, 2006, has been received and made of record.

In response to the most recent Office Action, dated June 2, 2006, claims 1, 12, 14, 16-

5   17, 21, 32, 34, 36-37, and 41 have been amended. Claims 43-46 have been added.

Response to Arguments

Applicant's arguments filed August 18, 2006 have been fully considered but they

are not persuasive.

10   Regarding claim 42, Applicants submit that the Steinberg reference fails to

identically teach every element of the claims, and therefore does not anticipate the

present invention (Remarks, p. 15.) The Examiner respectfully disagrees.

The language of claim 42 is as follows: "A system for manipulating image data,

comprising:

15   means for storing one or more ancillary data files;

means for capturing said image data;

means for transferring said one or more ancillary data files from said means for

storing to said means for capturing; and

means for manipulating said image data with said one or more ancillary data

20   files."

First, the Specification provides means for storing one or more ancillary data files

which includes a service on a distributed computer network like the Internet, a discrete

electronic device such as a personal computer, or a removable, non-volatile memory

device such as a flash memory (p. 6 lines 16-20.) Correspondingly, the Steinberg

reference provides means for storing one or more ancillary data files which also

includes a personal computer (fig. 1 indicator 14; col. 3 lines 57-60), as well as a

5   removable, non-volatile memory device (fig. 1 indicator 22; col. 4 lines 1-3.) Therefore,

the claimed limitation is found by the Examiner to be anticipated by the prior art

element.

       Second, the Specification provides means for capturing said image data that

includes an electronic camera device (fig. 1 indicator 110; p. 6 lines 25-26.) Equally, the

10   Steinberg reference provides means for capturing said image data that also includes a

camera (fig. 1 indicator 10.) Therefore, the claimed limitation is found by the Examiner

to be anticipated by the prior art element.

       Third, the Specification provides means for transferring said one or more

ancillary data files from said means for storing to said means for capturing which

15   includes wireless communications (fig. 6 indicator 632), removable storage media (fig. 6

indicator 636), and "any required type of interfaces or connectors (not shown) for

coupling camera device 110 and other electronic devices or entities to thereby support

bi-directional communications" (p. 12 lines 1-27.) Correspondingly, the Steinberg

reference provides means for transferring said one or more ancillary data files from said

20   means for storing to said means for capturing which also includes wireless

communications, removable storage media, and cable (fig. 1 indicators 20, 22, and 38;

col. 3 lines 45-60.) Therefore, the claimed limitation is found by the Examiner to be

anticipated by the prior art element.

Fourth and finally, the Specification provides means for manipulating said image

data with said one or more ancillary data files that includes a central processing unit (fig.

5   3 indicator 344) employed in combining of image data with ancillary data (p. 9 lines 12-

29.) Correspondingly, the Steinberg reference provides means for manipulating said

image data with said one or more ancillary data files which also includes a processor to

execute camera functionality (fig. 4 indicator 122; col. 7 lines 14-19.) Therefore, the

claimed limitation is found by the Examiner to be anticipated by the prior art element.

10   Based on the foregoing comparisons, it is demonstrated that each of the claimed

limitations are also found within the Steinberg reference, and therefore the rejection to

claim 42 is forthwith maintained by the Examiner.

Regarding claims 1 and 21, Applicants submit that the Sarbadhikari reference

does not disclose any "on-line" procedures (Remarks, p. 13.) Additionally, Applicants

15   also submit that the Sarbadhikari reference does not disclose any type of "active bi-

directional electronic communication path" (Remarks, p. 13.) The Examiner respectfully

disagrees.

Sarbadhikari provides a teaching of a data source being employed for not only

downstream processing of images, but also being employed to transfer files (data, code,

20   etc.) to an imaging device (col.4 lines 37-56 - lines 40-49 inclusive.) Sarbadhikari

further provides that these files may be selected by the user by means of appropriate

intervention through the camera, and that the data source is capable of two-way

communication with the imaging device, communication that occurs while the data

source is connected to the imaging device. This selection of files by the user, during

two-way communication between the data source connected to the imaging device is

clearly found to be on-line management while an active bi-directional electronic

5   communication path exists.

Applicants further submit that the Sarbadhikari reference does not disclose

performing one or more on-line management procedures "while an active bi-directional

electronic communication path exists" (Remarks, p. 18.) The Examiner respectfully

disagrees.

10   Column 4 lines 37-56 (lines 40-49 inclusive) of Sarbadhikari provides a teaching

of a data source being employed for not only downstream processing of images, but

also being employed to transfer files (data, code, etc.) to an imaging device.

Sarbadhikari further provides that these files may be selected by the user by means of

appropriate intervention through the camera, and that the data source is capable of two-

15   way communication with the imaging device, communication that occurs while the data

source is connected to the imaging device. This selection of files by the user, during

two-way communication between the data source connected to the imaging device is

clearly found to be on-line management while an active bi-directional electronic

communication path exists.

20   Applicants also submit that the Sarbadhikari reference does not disclose one or

more on-line management procedures "during which a system user interactively utilizes

said imaging device to view said one or more ancillary data files that are stored on said

data source, to manipulate said one or more ancillary data files that are stored on said

data source, to select said one or more ancillary data files that are stored on said data

source" (Remarks, p. 19.) Again, the Examiner respectfully disagrees.

Sarbadhikari, at column 7 lines 15-50, teaches the imaging device being used to

5   view operational information related to the imaging device, including ancillary data files.

Sarbadhikari further provides that the data files, when available via the data source, can

be identified on a display and that user intervention for selection of data files is

conducted by the use of inputs in conjunction with the imaging device display, which is

found to be a demonstration of one or more on-line management procedures during

10   which a system user interactively utilizes said imaging device to view, manipulate, and

select said ancillary data files.

Applicants submit that the Steinberg reference fails to provide any enabling

discussion with regard to receiving data from a remote destination (Remarks, p. 19.)

Applicants are reminded that issues regarding enablement, or lack thereof, are

15   associated with and relevant to the Applicants' claimed invention only, and are not

otherwise pertinent to the references used in rejection of the instant application.

Moreover, Applicants submit that the Steinberg reference teaches away from

their claimed invention, as the primary data flow described in Steinberg is in the

opposite direction to the primary data flow recited by the Applicants (Remarks, p. 20.)

20   Again, the Examiner respectfully disagrees.

The Sarbahikari reference, at column 11 lines 26-37, teaches the data source

being implemented as a computer, which is connected to the imaging device. However,

although Sarbadhikari teaches the data source being implemented as a computer,

Sarbadhikari is not found to teach the computer being a *computer in a distributed*

computer network (emphasis added.) Therefore, the Steinberg reference is employed

to demonstrate the teaching of a computer being employed as a computer in a

5   distributed computer network. Steinberg, at column 4 at lines 2-4 and 49-53, and by

way of figure 1 indicators 16 and 18, clearly teaches an imaging device connected to a

computer and the computer being a computer in a network, bi-directionally

communicating data. Motivation to combine the teaching of these references was also

provided (Office Action dated July 15, 2005), which stated "[i]t would have been obvious

10   to one of ordinary skill in the art at the time of the invention to have incorporated a

computer in a distributed computer network as taught by Steinberg, with the computer

of the system for manipulating image data as taught by Sarbadhikari, in order to create

a system for manipulating image data which allowed for transferal of one or more

ancillary data files from a computer far removed from that of the imaging device

15   configured to capture said image data, as well as to possibly allow for the transferal of

one or more ancillary data files from more than one computer.

Because the Steinberg reference was introduced for the purpose of illustrating

the teachings of a computer in a distributed computer network (discussed <u>supra</u>), as

well as the fact that the limitations of amended claims 1 and 21 relating to "a primary

20   ancillary data flow" are not found to be fully supported (discussed <u>infra</u>), further

discussion of these issues is considered to be moot.

Based on the foregoing responses, the Examiner respectfully maintains the 35

U.S.C. § 103(a) rejections to claims 1 and 21.

Furthermore, as Applicants have incorporated their prior remarks by reference

with regard to independent claim 41 (Remarks, p. 26), the forgoing responses to the

5   rejections of claim 21 are provided as response in kind.

Regarding claims 2-20 and 22-40, each depend either directly from or indirectly

from independent claims 1 or 21, and thus inherit all the limitations of independent

claims 1 or 21, respectively. Consequently, based on their dependence and the

foregoing response to arguments relating to claims 1 and 21, the Examiner respectfully

10   maintains the 35 U.S.C. § 103(a) rejections to claims 2-20 and 22-40, as they relate to

claims 1 or 21, respectively.

Further regarding claims 18 and 38, Applicants submit that Anderson fails to

teach a "data source being implemented as a computer in a distributed computer

network" (Remarks, p. 24.) However, as Anderson was presented to provide a teaching

15   of a file descriptor identification procedure and menu reorganization (please see Office

Action dated July 15, 2005), and as the limitations of a "data source being implemented

as a computer in a distributed computer network" as claimed by Applicants were

previously addressed in relation to their teachings as provided in the Sarbadhikari and

Steinberg references as they relate to claims 1 and 21, respectively, the Examiner

20   respectfully maintains the 35 U.S.C. § 103(a) rejection to claims 18 and 38, as they

relate to the limitations as previously discussed.

Applicant's arguments with respect to claims 12 and 32 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Objections

5   **Claims 14, 15, 17, 34, 35, and 37** are objected to because of the following

informalities: each recites the limitation "said active communication path" at least once.

There is insufficient antecedent basis for this limitation in the claim, and for purposes of

evaluation of the claims on their merits, will be interpreted to read "said active bi-

directional electronic communication path". Appropriate correction is required.

10   **Claim 44** is objected to because of the following informalities: line 5 of contains

incorrect sentence structure of "that that". Appropriate correction is required.

Claim 44 is also objected to because of the following informalities: the limitation

"said image date" is recited in line 6. There is insufficient antecedent basis for this

limitation in the claim. Appropriate correction is required.

15

Claim Rejections

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

20   The specification shall contain a written description of the invention, and of the manner and process of
         making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
         art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
         set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-40, 41, and 43-46 are rejected under 35 U.S.C. 112, first paragraph, as

25 failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention.

Claims 1, 21, and 41 recite the limitations of "a primary ancillary data flow". After

review of the application, nowhere within the disclosure was subject matter found to fully

support transferring one or more ancillary data files in "a primary ancillary data flow"

from said data source to said imaging device, ascertainable or distinguishable from any

other priority, level, or volume of data flow, including the lack of any identifiable form of

comparable or interrelated secondary ancillary data flow, which would reasonably

convey to one skilled in the relevant art that the inventors had possession of the claimed

invention at the time the provisional application was filed, as required by 35 U.S.C. 112,

first paragraph.

Based on the failure to comply with the written description requirement, claims 1,

21, and 41 will be interpreted without consideration of this limitation when examined on

their merits.

Claims 2-20 and 22-40 depend either directly or indirectly from independent

claims 1 and 21, respectively, and therefore contain and include all limitations

associated therewith.

Claim 43 recites the limitation "wherein a data manager from said ancillary data

module deletes a local ancillary data file in said imaging device after detecting a

duplicate file type of a newly-downloaded one of said ancillary data files." After review

of the application, nowhere within the disclosure was subject matter found to fully

support a data manager deleting a local ancillary data file in said imaging device after

detecting a duplicate file type of a newly-downloaded one of said ancillary data files,

which would reasonably convey to one skilled in the relevant art that the inventors had

possession of the claimed invention at the time the provisional application was filed, as

5   required by 35 U.S.C. 112, first paragraph.

Claim 44 recites the limitations of "template files that are utilized as settings or

frameworks for combining with said image date" as well as "said template files including

an image transition template file". After review of the application, nowhere within the

disclosure was subject matter found to fully support template files that are utilized as

10   settings or frameworks for combining with said image date" which would reasonably

convey to one skilled in the relevant art that the inventors had possession of the claimed

invention at the time the provisional application was filed, as required by 35 U.S.C. 112,

first paragraph. Additionally, after review of the application, nowhere within the

disclosure was subject matter found to fully support "image transition template files"

15   which would reasonably convey to one skilled in the relevant art that the inventors had

possession of the claimed invention at the time the provisional application was filed, as

required by 35 U.S.C. 112, first paragraph.

Claim 45 recites the limitations of "said descriptor tag includes a data format, a

data type, a data structure, and a data size." After review of the application, support

20   was found for information regarding the nature of the associated data, such as data

format or data type, and information regarding how the associated data is organized,

such as a data structure or a data size (Specification, p. 14 lines 16-19.) However,

nowhere within the disclosure was subject matter found to fully support a descriptor tag that includes all four limitations, data format, data type, data structure, and data size, inclusively, which would reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the provisional application

5   was filed, as required by 35 U.S.C. 112, first paragraph.

Claim 46 recites the limitations of an ancillary data file being assigned "to at least one of several file categories in said imaging device, said file categories including a template category, an overlay category, a background category, an Internet web page category, and an instructions category." After review of the application, support was

10   found for the ancillary data module 416 assigning "each downloaded ancillary data file 418 to an appropriate file 5 category, such as a template category, an overlay category, a background category, an Internet web page category, or an instructions category" (Specification, p. 16 lines 13-16.) However, nowhere within the disclosure was subject matter found to provide full support for assignment of an ancillary data file to more than

15   one of the several file categories which would reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the provisional application was filed, as required by 35 U.S.C. 112, first paragraph.

Applicant is also reminded that the prompt development of a clear issue requires

20   that the replies of the applicant meet the objections to and rejections of the claims. Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP § 2163.06 and § 714.02.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> 5 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 42 is rejected under 35 U.S.C. 102(b) as being anticipated by Steinberg et

10 al. (US 6,006,039.)

Regarding claim 42, Steinberg teaches a system for manipulating image data,

comprising: means for storing one or more ancillary data files (fig. 1 indicator 14);

means for capturing said image data (fig. 1 indicator 10); means for transferring said

one or more ancillary data files from said means for storing to said means for capturing

15 (fig. 1 indicators 20,22, and 38); and means for manipulating said image data with said

one or more ancillary data files (fig. 4 indicator 122.)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

20 obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> 25 Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 4-11, 13-17, 21, 24-31, and 33-37 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al.

(US 6,628,325.)

Regarding claim 1, Sarbadhikari teaches a system for manipulating image data,

comprising a data source configured to store one or more ancillary data files (fig. 11

indicator 4; col 11 lines 26-37), said data source being implemented as a computer (fig.

11 indicator 4), an imaging device configured to capture said image data (fig. 11

5   indicator 1), and an ancillary data module for transferring said one or more ancillary

data files from said data source to said imaging device for manipulating said image data

(fig. 10 indicators 20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), said ancillary

data module performing on-line management procedures during which a system user

interactively utilizes said imaging device to view said one or more ancillary data files

10   that are stored on the data source, to manipulate said one or more ancillary data files

that are stored on the data source, to select said one or more ancillary data files that are

stored on the data source, and to download said one or more ancillary data files from

said data source to said imaging device, said one or more on-line management

procedures occurring while an active bi-directional electronic communication path

15   currently exists from said imaging device to said computer (col. 4 lines 37-56; col. 7

lines 15-50; col. 9 lines 9-13), said one or more ancillary data files including one or

more image data files that said imaging device combines with said image data to create

a new composite image (col. 4 line 57 – col. 5 line 40.) Although Sarbadhikari teaches

the data source being implemented as a computer, with the same functionality that is

20   provide by the removable memory card embodiment applied therein (col. 11 lines 26-

37), a data source being implemented as *a computer in a distributed computer network*

is not taught (emphasis added.)

Nevertheless, Steinberg teaches a similar system for manipulating image data in

which a computer in a computer in a distributed computer network is employed (fig. 1

indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been obvious to

one of ordinary skill in the art at the time of the invention to have incorporated a

5   computer in a distributed computer network as taught by Steinberg, with the computer

of the system for manipulating image data as taught by Sarbadhikari, in order to create

a system for manipulating image data which allowed for transferal of one or more

ancillary data files from a computer far removed from that of the imaging device

configured to capture said image data, as well as to possibly allow for the transferal of

10   one or more ancillary data files from more than one computer.

Regarding claim 4, Sarbadhikari and Steinberg teach all the limitations of claim 4

(see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

imaging device includes at least one of a digital still camera device ('264 - col. 5 lines

55-57), a video camera device, and an electronic scanner device.

15   Regarding claim 5, Sarbadhikari and Steinberg teach all the limitations of claim 5

(see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

one or more ancillary data files are transferred from said data source to said imaging

device ('264 - col. 2 line 50 - col. 3 line 2) by utilizing a wireless transmission process

('325 – col. 4 lines 61-65.)

20   Regarding claim 6, Sarbadhikari and Steinberg teach all the limitations of claim 6

(see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

ancillary data module manipulates said image data by combining selected ones of said

ancillary data files with said image data to generate new composite data ('264 - col. 10

line 33-39.)

Regarding claim 7, Sarbadhikari and Steinberg teach all the limitations of claim 7

(see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

5   imaging device includes a capture subsystem ('264 - fig. 10 indicator 10) and a control

module ('264 - fig. 10 indicators A and B), said control module having a central

processing unit ('264 - fig. 10 indicator 20), a memory ('264 - fig. 2 indicator 32, indicator

31), a viewfinder ('264 - fig. 10 indicator 29), and one or more input/output interfaces

('264 - fig. 10 indicators 21 and 26.)

10   Regarding claim 8, Sarbadhikari and Steinberg teach all the limitations of claim 8

(see the 103(a) rejection to claim 7 supra), including teaching a system wherein said

memory includes an application software program ('264 - col. 10 lines 1-4), an operating

system ('264 - col. 7 lines 51-52), said ancillary data module (driving indicators 20, 18,

and 22 of fig. 10), said one or more ancillary data files ('264 - col. 8 lines 52-58, col. 10

15   lines 5-6), a display manager ('264 - col. 9 lines 6-11 and col. 7 lines 44-49), data

storage for storing said image data ('264 - fig. 4, fig. 10 indicators 18 and 35, col. 9 lines

15-26), and one or more camera menus for display upon said viewfinder ('264 - col. 7

lines 44-49, col. 9 lines 6-11.)

Regarding claim 9, Sarbadhikari and Steinberg teach all the limitations of claim 9

20   (see the 103(a) rejection to claim 7 supra), including teaching a system wherein said

one or more input/output interfaces include a distributed electronic network interface

('325 fig. 1 indicator 16), a host computer interface ('264 - fig. 11 indicator 34; '325 col. 4

lines 2-4), a printer interface ('325 col. 4 lines 2-4), a wireless communications interface

('325 col. 4 lines 61-65), a user interface ('264 - fig. 2 indicator 21), and a removable

storage media interface ('264 - fig. 2 indicator 26; '325 fig. 2 indicator 58.)

It is also noted by the Examiner that this claim, as currently written, only requires

5   a minimum of one input/output interface, by way of the limiting language of "one or more

input/output interfaces".

Regarding claim 10, Sarbadhikari and Steinberg teach all the limitations of claim

10 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

ancillary data module includes a download manager for transferring said ancillary data

10   files from said data source to said imaging device and analyzing said ancillary data files

('264 - col. 7 lines 30-67), an editing module for combining said one or more ancillary

data files with said image data ('264 - col. 9 lines 13-21), a data manager for controlling

and reorganizing said one or more ancillary data files ('264 – col. 4 lines 63-64, col. 5

lines 22-25, col. 7 lines 60-65, and col. 9 lines 13-50) and miscellaneous routines that

15   include a conversion routine for translating said one or more ancillary data files into a

compatible format ('325 – figs. 3 and 9, col. 7 lines 10-13.)

Regarding claim 11, Sarbadhikari and Steinberg teach all the limitations of claim

11 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

one or more ancillary data files each include a data portion and a corresponding

20   descriptor tag that is analyzed by said ancillary data module to identify, characterize,

and categorize a corresponding one of said one or more ancillary data files (col. 4 lines

58-63, col. 7 lines 31-44.)

Regarding claim 13, Sarbadhikari and Steinberg teach all the limitations of claim

13 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

data source is configured to facilitate interactively accessing, manipulating, and

downloading said one or more ancillary data files to said imaging device by a system

5   user ('264 - col. 7 lines 38-50.)

Regarding claim 14, Sarbadhikari and Steinberg teach all the limitations of claim

14 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

imaging device establishes an active bi-directional electronic communication path to

said data source ('264 - col. 4 lines 44-47), said active bi-directional electronic

10   communication path being established by both an automatic connection protocol ('264 -

col. 7 lines 30-65, in which detection of the presence of a card and the presence of a

connection to a computer are read to be comparable) and also by a user-initiated

connection protocol ('264 - col. 4 lines 46-47; fig. 11 via connection of indicator 38.)

Regarding claim 15, Sarbadhikari and Steinberg teach all the limitations of claim

15   15 (see the 103(a) rejection to claim 14 supra), including teaching a system wherein

said ancillary data module performs one or more on-line management procedures while

said active bi-directional electronic communication path is available, said one or more

on-line management procedures including a data source content review ('264 - col. 7

lines 32-40, 54-57) and an ancillary-data file download procedure ('264 - col. 7 lines 60-

20   65.)

It is also noted by the Examiner that this claim, as currently written, only requires

a minimum of one on-line management procedure, by way of the limiting language of

"one or more on-line management procedures".

Regarding claim 16, Sarbadhikari and Steinberg teach all the limitations of claim

5   16 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein

said ancillary data module downloads a special instruction file that corresponds to a

selected ancillary data file, said special instruction file including information that

instructs said imaging device how to correctly utilize said selected ancillary data file,

said special instruction file being formatted as an embedded instruction file that is

10   embedded in said selected ancillary data file ('264 - col. 10 lines 43-50) and also as a

discrete instruction file that is not embedded in said selected ancillary data file ('264 -

col. 9 line 51 – col. 10 line 18; col. 10 lines 43-50.)

Regarding claim 17, Sarbadhikari and Steinberg teach all the limitations of claim

17 (see the 103(a) rejection to claim 15 supra), including teaching a system wherein

15   said imaging device terminates said active bi-directional electronic communication path

to said data source when said on-line management procedures have been completed,

said active bi-directional electronic communication path being terminated by both a

user-initiated termination protocol ('264 - fig. 3, col. 9 lines 3-14, in which an analogous

process would apply to a tethered data source instead of an inserted card; '325 – col. 5

20   lines 15-17) and an active bi-directional electronic communication path being terminated

by an automatic termination protocol ('325 – col. 5 lines 19-23.)

It would have been obvious to one of ordinary skill in the art at the time of the

invention to allow for both user-initiated termination protocol, in which actions of a user

control the camera use, as well as automatic termination in order to allow a system user

the flexibility to both control functionality, as well as have various processes operate

5   seamlessly in the background without the need for user interaction.

Regarding claims 21, 24-31, and 33-37, although the wording is different, the

material is considered substantively equivalent to claims 1, 4-11, and 13-17,

respectively, as discussed above.

10   **Claims 2 and 22** are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US 6,628,325), with

a supporting reference Creamer et al. (US 6,930,709.)

Regarding claim 2, Sarbadhikari and Steinberg teach all the limitations of claim 2

(see the 103(a) rejection to claim 1 supra), except for explicitly teaching a system

15   wherein said data source includes an image station site on an Internet network.

The Examiner cites as supporting reference, Creamer et al. (US 6,930,709- filed

on December 3, 1998), to illustrate the related equivalency of a computer in a

distributed computer network being employed as "an image station site on an Internet

network", a concept and equivalency that is well known and expected in the art.

20   Creamer details a general purpose personal computer, incorporated in concert with the

World Wide Web, that has the ability to place an image on the Internet, as well as states

that the computer is usually dedicated to serving the camera (col. 1 lines 16-65.)

Therefore, this reference is presented to support what is well known with respect to a computer dedicated and used for image data and connected to the Internet, being equivalent in naming convention to an image station site on an Internet network. It would have been obvious to one of ordinary skill in the art at the time of the invention for

5   the computer in a distributed computer network to be an image station on an Internet network for the purposes of having a dedicated general purpose computer employed for image/camera related tasks such as manipulating image data, and which can be accessed via remote locations connected throughout the world wide web or an equivalent distributed network for the purpose of manipulating image data. (It is also

10   noted that Applicants define the Internet as a distributed network (see Abstract), and that claim 2 serves to further limits the data source of claim 1, which is explicitly implemented as a computer in a distributed computer network.)

Regarding claim 22, although the wording is different, the material is considered substantively equivalent to claim 2 as discussed above.

15

Claims 3 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarbadhikari et al. (US 5,477,264) and Steinberg et al. (US 6,628,325), in view of Qian (US 6,950,130) and in further view of Aihara et al. (US 6,223,190.)

Regarding claim 3, Sarbadhikari and Steinberg teach all the limitations of claim 3

20   (see the 103(a) rejection to claim 1 supra), except for teaching a system wherein said ancillary data files include an image background file and an Internet webpage file. However, Sarbadhikari does teach merging ancillary data files with those captured by

the camera ('264 – col. 5 lines 22-27), such as image template files ('264 - figs. 8 and 9,

col. 6 lines 56-59) and overlay files ('264 - col. 5 line 25-27), for the purpose of

enhancing the images captured by the user for particular situations ('264 - col. 10 lines

24-30.)

5   Qian teaches the both the creation of background files and the replacement of

backgrounds in captured images (Abstract; col. 1 lines 43-53; claim 1.) It would have

been obvious to one of ordinary skill in the art at the time of the invention to include

background files as taught by Qian with the system as taught by Sarbadhikari and

Steinberg, so that the user is provided with another ancillary data file merging option, in

10   addition to templates and overlays, for the purpose of enhancing the images captured

by the user for particular situations, as well as to expand the potential functionality of the

imaging device.

Furthermore, Aihara teaches Internet webpage files employed as ancillary data

files (col. 9 lines 40-42, col. 10 line 17 – col. 12 line 36.) It would have been obvious to

15   one of ordinary skill in the art at the time of the invention to include the ancillary data

files as taught by Aihara, with the system as taught by Sarbadhikari, Steinberg, and

Qian, for the purpose of enhancing the images captured by the user for particular

situations, as well as to expand the potential functionality of the imaging device.

Regarding claim 23, although the wording is different, the material is considered

20   substantively equivalent to claim 3 as discussed above.

Claims 12 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Sarbadhikari et al. (US 5,477,264) and Steinberg et al. (US 6,628,325), in view of

Aihara et al. (US 6,223,190.)

Regarding claim 12, Sarbadhikari and Steinberg teach all the limitations of claim

5   12 (see the 103(a) rejection to claim 1 supra), including teaching a system wherein said

one or more ancillary data files are created by a system manufacturer utilizing ancillary-

data production equipment ('264 - col. 6 lines 58-63.)   However, neither Sarbadhikari

nor Steinberg is found to teach a system wherein said one or more ancillary data files

are also created by a system user on a local computer device.

10   Nevertheless, Aihara teaches that a user can create the ancillary data file (col. 7

lines 33-38.) It would have been obvious to one of ordinary skill in the art at the time of

the invention to allow for a user to create the ancillary data file, in conjunction with the

system as taught by Sarbadhikari and Steinberg in which ancillary data files are created

by a system manufacturer, so that a user may not only have the ability to employ the

15   ancillary data files provided by a manufacturer, but also to create their own ancillary

data files in order to give the result its distinctive appearance ('190 – col. 7 lines 36-38.)

It is further noted that the specification at lines 1-8 of page 15, provides for the creation

of ancillary data files by the system user in one embodiment, and alternatively, by a

manufacturer in another.

20   Regarding claim 32, although the wording is different, the material is considered

substantively equivalent to claim 12 as discussed above.

Claims 18-20, 38-40, and 41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Sarbadhikari et al. (US 5,477,264) in view of Steinberg et al. (US

6,628,325), in further view of Anderson (US 6,177,957.)

Regarding claim 18, Sarbadhikari and Steinberg teach all the limitations of claim

5   18 (see the 103(a) rejection to claim 17 supra), except for teaching a system wherein

said ancillary data module performs an off-line management procedure for said one or

more ancillary data files that have been downloaded from said data source, said off-line

management procedure including a file descriptor identification procedure by which said

ancillary data module categorizes said one or more ancillary data files, said imaging

10   device responsively updating camera menus to include said one or more ancillary data

files to thereby enable a system user to utilize said one or more ancillary data files. It is

noted that Sarbadhikari does teach on-line management of ancillary data files, in that

the identified files may be selectable chosen by the user when connected to the data

source (col. 4 lines 40-47; col. 7 lines 38-47.)

15   Nevertheless, Anderson is found to teach dynamically updating software driven

features in an electronic imaging device, in which the user may supplement the baseline

application programming of the imaging device (col. 2 lines 18-25.) The system of

Anderson provides a procedure for updating of camera menus to reflect the addition of

one or more ancillary data files, thereby enabling a system user to utilize one or more of

20   the ancillary data files, (col. 8 line - col. 9 line 19.) The procedure of Anderson further

teaches a file descriptor identification procedure by which said ancillary data module

categorizes said one or more ancillary data files (figs. 7 and 8; col. 8 line 1 – col. 9 line

19.) Although Anderson employs hot mounted files, Anderson demonstrates a teaching

of a menu reorganization procedure for files made accessible to the imaging device.

When taken in light of the system as taught by Sarbadhikari and Steinberg, which

includes ancillary data files selected and downloaded to the imaging device from a

5   computer in a distributed computer network, one of ordinary skill in the art at the time of

the invention would have found it obvious to add the functionality of a user accessible

menu which was appropriately updated to reflect the newly added software

enhancements available, so that the user may fully utilize all the imaging device's

available functionality. It would have been further obvious to one of ordinary skill in the

10   art at the time of the invention to employ a file descriptor identification procedure similar

to that taught by Anderson, with the system as taught by Sarbadhikari and Steinberg, in

order to correctly identify and implement the ancillary data files, and their corresponding

functionality, which have been added to increase the available functionality of the

imaging device, based on the selected files previously added via download from a

15   computer in a distributed computer network. As to the occurrence of the procedure

taught above, in conjunction with a teaching by Anderson of the procedure occurring

within the imaging device (fig. 8), it would also have been obvious to one of ordinary

skill in the art that the procedure of the system as taught by Sarbadhikari, Steinberg,

and Anderson be performed off-line, so that once the selected files had been

20   downloaded, the imaging device is free to operate as a physically autonomous device,

having no further need to be tethered or on-line with the computer, and free to perform

the procedure at locations other than those accessible to the computer and at times

when on-line accessibility is limited or no longer available.

 Regarding claim 19, Sarbadhikari, Steinberg, and Anderson teach all the

limitations of claim 19 (see the 103(a) rejection to claim 18 <u>supra</u>), including teaching a

5 system wherein said off-line management procedure includes a file reorganization

procedure ('957 – col. 9 lines 1-6) and a file deletion procedure ('957 – col. 9 line 55 –

col. 10 line18).

 Regarding claim 20, Sarbadhikari, Steinberg, and Anderson teach all the

limitations of claim 20 (see the 103(a) rejection to claim 18 <u>supra</u>), including teaching a

10 system wherein said imaging device utilizes an editing module ('264 - fig. 2 indicator 22)

from said ancillary data module to effectively combine selected ones of said one or

more ancillary data files with one or more images from said image data to thereby

create a new composite image ('264 - col. 5 lines 22-24, col. 10 lines 30-36.)

 Regarding claims 38-40 although the wording is different, the material is

15 considered substantively equivalent to claims 18-20, respectively, as discussed above.

 Regarding claim 41, Sarbadhikari teaches storing one or more ancillary data files

in a data source (col. 11 lines 26-37), said data source being implemented as a

computer (fig. 11 indicator 4; col. 11 lines 26-37), capturing said image data with an

imaging device (col. 2 line 66 – col. 3 line 2; col. 5 line 55 – col. 6 line 26; col. 11 lines

20 26-37), transferring said one or more ancillary data files from said data source to said

imaging device by using an ancillary data module (col. 4 lines 44-47; fig. 10 indicators

20, 18, and 22; col. 6 lines 10-37; col. 11 lines 26-37), and manipulating said image

data with said one or more ancillary data files (col. 6 lines 5-58; col. 10 lines 24-39),

said ancillary data files performing one or more on-line management procedures during

which a system user interactively utilizes said imaging device to view, manipulate select

and download said ancillary data files, said one or more on-line management

5   procedures occurring while an active bi-directional communication path currently exits

from said imaging device to said computer (col. 4 lines 37-56; col. 7 lines 15-50; col. 9

lines 9-13; col. 11 lines 26-37), said one or more ancillary data files including one or

more image data files that said imaging device combines with said image data to create

a new composite image (col. 4 line 57 – col. 5 line 40.) However, Sarbadhikari does not

10   teach any of the above steps occurring in conjunction with a computer in a distributed

computer network. Additionally, although Sarbadhikari does teach the above

program/programming/processor related steps, Sarbadhikari does not teach each step

involving program instructions within a computer-readable medium.

Nevertheless, Steinberg is found to teach similar steps for manipulating image

15   data in which a computer in a computer in a distributed computer network is employed

(fig. 1 indicators 16 and 18; col. 4 lines 2-4 and lines 49-53.) It would have been

obvious to one of ordinary skill in the art at the time of the invention to have

incorporated a computer in a distributed computer network as taught by Steinberg, with

the computer as taught by Sarbadhikari, in order to create the steps for manipulating

20   image data which allowed for transferal of one or more ancillary data files from a

computer far removed from that of the imaging device configured to capture said image

data, as well as to possibly allow for the transferal of one or more ancillary data files

from more than one computer or data source.

Furthermore, Anderson is found to teach a computer readable medium

comprising program instructions for a system that dynamically updates software

5   functions in an electronic imaging device (col. 13 lines 33-54; col. 14 lines 25-43.) It

would have been obvious to one of ordinary skill in the art at the time of the invention to

transfer the steps as taught by Sarbadhikari and Steinberg, which are effectuated by

processors within programmed devices, and due to their processor based execution,

are employed as programmed instructions, onto a computer readable medium

10   comprising program instructions as taught by Anderson, so that they may be easily

transferred or from one computer in a distributed computer network to another computer

in another distributed computer network, or so that they may be loaded as firmware onto

a device to update or restore camera functionality without having to update or replace

device hardware.

15

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Takizawa et al. (US 5,734,425) discloses rewritable camera program memory

20   that is downloadable from a personal computer.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

5   TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

10   than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gary C. Vieaux whose telephone number is 571-272-

15   7318. The examiner can normally be reached on Monday - Friday, 8:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NgocYen T. Vu can be reached on 571-272-7320. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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